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on human rights of migrants
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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

INSTITUTO CATOLICO CHILENO DE MIGRACION (INCAMI)

Ref: Reply to the questionnaire on the human rights of migrants

Dear Mr. Cappy,

I have the pleasure to send you some answers to the questionnaire received by INCAMI concerning the human rights of migrants.

Yours sincerely,

P. Luciano Baggio
Executive Secretary
INCAMI

INSTITUTO CATOLICO CHILENO DE MIGRACION (INCAMI)

Questionnaire on the human rights of migrants in Chile

1. POPULATION

Out of a total population of 14,419,000 in 1996 there were 127,564 foreigners permanently resident in Chile as at 31 December 1995. Adding aliens who have become naturalized, those legally resident on a temporary basis and illegal aliens would bring the total to some 200,000.

Of the foreigners permanently resident as at 15 April 1997 there were: 37,544 Argentines, 10,810 Spaniards, 9,792 Peruvians, 8,903 Bolivians, 7,836 North Americans, 6,273 Germans, 5,507 Brazilians, 4,854 Italians, etc.; 54 per cent of the total were from Latin America.

Of minors aged under 18 years and legal residents, about 10 per cent are unemployed.

The Ministry of the Interior reports that in December 1997 there were some 55,000 persons living in the country illegally (most of them coming as tourists and staying without authorization beyond the permitted time); they include 35,000 Peruvians and lesser numbers of Bolivians and Argentines.

Chileans abroad, according to information from Chilean consulates, totalled approximately 800,000 in 1995. They are distributed largely as follows: 300,000 in Argentina, 85,000 in the United States, 70,000 in Brazil, 42,000 in Venezuela, 30,000 in Australia, 30,000 in Sweden, 24,000 in Canada, 21,000 in Spain, 20,000 in France, 10,000 in Ecuador, etc.

2. MEASURES TO STRENGTHEN THE PROMOTION, PROTECTION AND IMPLEMENTATION OF THE HUMAN RIGHTS OF MIGRANTS

A new migration bill was presented in 1993, but it failed to make progress and was withdrawn from the respective committee of the Chamber of Deputies in 1997. Comments were made by INCAMI on how to improve the draft and it is hoped that the bill will be resubmitted in 1998. There was an update in 1996 on legislation concerning refugees.

As regards public information and education, INCAMI is raising awareness concerning the acceptance, promotion and recognition of the rights of migrants through its publication "Migrants", through its media campaigns and in particular with the organization of a National Migrants' Day on the first Sunday in September.

INCAMI offers the following assistance and services:

(a) Obtaining and authenticating documents for Chileans, especially those staying illegally in Argentina. INCAMI is the only non-governmental organization arranging free of charge for the authentication of documents in the Argentine Consulate. Applications are also made for Argentine certificates;

(b) Attending to immigrants in Chile, especially Peruvians, to deal with the situation regarding migration, as well as in the fields of health, education, labour and housing. Action in the Departments for Aliens and Migration, Municipalities, Ministry of Justice, Ministry of Foreign Affairs and Ministry of Education, consultancies and civil registry office;

(c) Advising on obtaining documents in Argentina for Chileans and claiming welfare entitlements under the Chilean-Argentine labour and security agreement;

(d) Pursuant to the programme of the Office of the United Nations High Commissioner for Refugees (UNHCR) and INCAMI, effecting social surveys, case work, home visits, cooperation under the agreement between UNHCR and the National Training and Employment Service (SENCE) and referrals to community support organizations;

(e) Providing temporary housing and food for migrants (Seminario 611), near the INCAMI main office;

(f) In cooperation with the Scalabrinian Missionary Youth Group, making home visits and inquiries to study the spiritual and social situation of migrants, especially Peruvians in Santiago and Chileans in Argentina.

INCAMI participates in national, bilateral Argentine-Chilean and international meetings on the subject of migration. In April 1997, at its centre in Santiago, INCAMI successfully organized national events for migrants with the participation of the civil and religious authorities, as well as UNHCR and the International Organization for Migration (IOM), community representatives and representatives of social organizations. In August there was an interdiocesan meeting on migration in the northern part of the country, at Iquique, to address the problems of Peruvian and Bolivian immigrants.

Four issues of "Letter from Chile" were sent free of charge in 1997 to groups and representatives of Chileans abroad.

3. RACISM, XENOPHOBIA AND DISCRIMINATION

In December 1997 a Chilean trade union conference protested against the influx of foreign workers, particularly Peruvians, who were accused of causing unfair competition in the labour market. At a Chilean army meeting on migration studies, concern for national security was expressed in view of a possible threat of a flood of migrants. This was countered in a timely manner by an INCAMI delegate, who argued in favour of cooperation and solidarity. There are difficulties with the integration of refugees, especially Blacks.

4. On 16 December 1997 the Chilean Chamber of Deputies gave initial approval, although with some reservations concerning compensation, to the 1996 Convention on the rights of migrant workers and members of their families.

On 5 December there was the inauguration at Teatinos 950, Santiago, of the new headquarters of the Department for Aliens and Migration, which groups together the formerly separate offices and provides an up-to-date service with modern computer facilities.

Santiago, 13 January 1998

FUNDACION COMISION CATOLICA ARGENTINA DE MIGRACIONES (CCAM)

Replies to the questionnaire from the Office of the High Commissioner for Human Rights

1. Total population of Argentina: 35 million.

(a) More than 2 million immigrants.

(b) One million persons from bordering countries.

b.1. Paraguay: 700,000

b.2. Bolivia: 500,000

b.3. Uruguay: 300,000

b.4. Chile: 215,623

b.5. Brazil: 50,000

Source: National Directorate for Migration, 1992 census.

(c) Refugees: 12,000 refugees recognized by UNHCR in recent decades.

c.1 Refugees assisted by the CCAM Foundation: 799

c.2 Refugees entering in 1997: 162

(d) Number of nationals abroad:

Nationals of Argentine who emigrated in the 1980s account for between 0.98 and 1.3 per cent of the population, and are distributed as follows:

Latin America: 210,000

United States: 32.7%

Paraguay: 20.7%

Brazil: 12.6%

Chile: 9.4%

Uruguay: 9.0%

Bolivia: 7.0%

Source: United Nations, Department of International Economic and Social Affairs.

Non-nationals having authorization to work in the country: approximately 3 million.

Irregular migrants: 400,000 (estimate).

2. One approach of the CCAM Foundation has been to maintain an environment of permanent receptiveness and availability for consultations and requests from governmental bodies. Whenever the Church's opinion has been sought on migration issues, an attempt has been made to pursue dialogue and cooperation taking into account the interests and contributions of all the parties involved.

Such efforts were made by the Foundation in relation to the preliminary draft of the Population and Migration Bill prepared by the Office of the Under-Secretary for Population and Community Relations in the Ministry of the Interior, which was provided at its request with a number of proposals and recommendations.

It should be noted that we are referring to the future Population and Migration Act, which is to provide the legal framework for the country's migration policy; the initial proposals are, therefore, aimed at achieving a harmonious piece of legislation setting out the legal requirements to be met by migrants in a body of rules which respect foreigners' rights.

Furthermore, in response to a controversial bill amending several articles of Act 22,439, the Episcopal Commission for the Pastoral Care of Migrants and the CCAM Foundation issued a press release, endorsed also by various federations, institutions and groupings of foreign communities, which restated the Church's commitment to the protection of migrants' rights, and recalled and pointed out the way of solidarity, tolerance and justice for the poorest of the poor, foreigners.

Fulfilling its mandate of awareness-raising and sensitization of the church and civil community to the phenomenon of migration and its impact on society, the Foundation arranges meetings, workshops, courses and seminars to provide training and information. In July 1997, for example, a seminar "Trade unions and labour migration" was held in Buenos Aires within the framework of the annual meeting of diocesan representatives on the pastoral care of migrants.

This was attended by bishops, representatives of the various national guilds and trade unions and more than 100 persons, including officials, delegates and lay persons concerned with migration issues.

The Foundation's Press and Broadcasting Department maintains close links with the press and radio and television networks both nationally and internationally.

Interviews are given, discussion panels are formed and numerous clarifications are made for the media. Moreover, all of the Foundation's important activities are duly communicated to the media to avoid any distorted news coverage.

With regard to information material, posters, pamphlets and newsletters are published for migrants. The review "Migration News" appears quarterly and 1996 saw the publication of the book "Towards a world without frontiers. The new migrations facing the third millennium", whose authors are Foundation members.

The Foundation provides direct counselling and assistance for migrants, refugees recognized by the United Nations and internally displaced persons.

Its assistance basically involves providing guidance and help and obtaining and authenticating documents where necessary for the establishment of migrants and refugees.

Help is extended to refugees by the CCAM Foundation, acting as the sole agency in Argentina for UNHCR, under the various UNHCR support programmes. In cases where assistance to the refugee population exceeds the UNHCR budget, the Foundation signs agreements to work with other bodies and institutions concerned or associated with the problem of migration. It has thus been working closely for many years with, among others, Caritas, the Salvation Army, the Ministry of Labour and Social Security, the Union of Commerce Workers, the Ministry of the Interior and the Faculty of Letters of the University of Buenos Aires.

Assistance in 1997:

Housing	271 persons
Food	141 persons
Travel allowances - documents	117 persons
Skills improvement	68 persons
Remedies - reimbursements	46 persons
Medical assistance	44 persons
Labour assistance	24 persons
Posts	24 cases
Training	16 persons
Grants, primary education	21 children
Grants, secondary education	11 youths
Humanitarian pensions	9 persons
Installation grants	6 persons
Remedies - prescriptions	716 cases
Spanish classes	82 pupils

With regard to bilateral and multilateral arrangements, in November 1996 the CCAM Foundation organized the first meeting of episcopal commissions for pastoral care relating to human mobility in the Southern Cone, which was

attended by the presidents and executive secretaries of episcopal commissions on human mobility from Argentina, Brazil, Bolivia, Chile, Paraguay and Uruguay.

The meeting evaluated the progress made by the common market of the Southern Cone (MERCOSUR) on the basis of actual migration between the countries involved and the exchange of analytical views on the challenges and opportunities that the process of integration presents to the Church.

In this connection, the meeting of bishops of the Southern Cone drew up a series of proposals and recommendations both for the episcopal conferences and for governmental bodies of the MERCOSUR countries.

3. There are manifestations, albeit not widespread, of discrimination in the country, chiefly against immigrants from bordering countries. Such discrimination has been imposed and encouraged by organs of the State, and mainly by trade unions forming part of the General Confederation of Labour (CGT), in the false belief that immigrants from bordering countries and Peru are responsible for the high rate of unemployment in the country.

The message has thence spread among the nation's poorest workers and those most affected by unemployment, who have on occasion rejected their foreign fellow workers.

4. The foundation published the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in 1994 with a view to the dissemination and ratification of that instrument.

Meetings were thereafter held with national lawmakers, both deputies and senators, who were made aware of the need for the Convention to be adopted in the Argentine Parliament.

Finally, in mid-1996, a group of deputies submitted a bill, sponsored by more than eight lawmakers, aimed at the ratification of the Convention and its incorporation into the country's internal law.

It should be pointed out that the fundamental provisions of the bill cite the various meetings held and explanations given by this Commission in support of the adoption of the Convention.

Buenos Aires, 13 January 1998